

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
<b>Plaintiff,</b>	:	<b>Case No. 2:14-CR-127(12)</b>
<b>vs.</b>	:	<b>JUDGE ALGENON L. MARBLEY</b>
<b>FREDDIE K. JOHNSON, JR.</b>	:	
<b>Defendant.</b>	:	<b>SENTENCING MEMORANDUM</b>

**ORDER AND AMENDMENT TO JUDGMENT ENTRY**

This Court sentenced defendant Freddie K. Johnson, Jr. on January 25, 2017 to, *inter alia*, 120 months imprisonment. (ECF No. 1444). The Court noted that Mr. Johnson's sentence would be ". . . less than ten years because of time already served – and this will run concurrent to any state sentence – " At the time of sentencing, Mr. Johnson had already finished serving three years incarceration with the State of Ohio for crimes that he argued were part and parcel of his ongoing criminal activity in this federal case. It has come to the attention of the Court that the Federal Bureau of Prisons has failed to credit Mr. Johnson with the time he served in this case, which over-lapped with his State of Ohio sentence, from the date of arraignment on the case number (2:13-cr-270) that preceded the current case number (2:14-cr-127), on March 26, 2014 three years he spent incarcerated with the State of Ohio, presumably due to the wording of this Court's Judgment Entry.<sup>1</sup> It was the intention of this Court for Mr. Johnson to receive credit for the

---

<sup>1</sup>Because Mr. Johnson had already served his time with the State of Ohio, at the time of the sentencing hearing in this case, it is the Court's presumption that there was "no sentence" with the State of Ohio for the federal sentence to be run concurrent with.

two-years and ten months he was incarcerated in local county jails prior to the date of his sentencing in this case. The Court concludes that credit for this time served is also consistent with the counsel of advisory guideline § 5K2.23 (discharged terms of imprisonment), as the time served in local county jails overlapped with the service of his sentence with the State of Ohio and some of the state convictions were either counted as relevant conduct or in defendant's criminal history in this federal case.

In light of the above circumstances, and based upon the intent of this Court at the time sentencing, Mr. Johnson's federal sentence is to be credited for time served from March 26, 2014 to the date of his sentencing on January 25, 2017 and any days thereafter prior to his delivery to the Bureau of Prisons.

Therefore, this Court's previous Judgment Entry (ECF No. 1444) stating that Mr. Johnson's 120-month sentence was to be run "concurrent with any State sentence" is hereby amended to read: "One Hundred Twenty (120) months to be credited with time served of Thirty Four (34) months, most of which was served while defendant was serving a Thirty-Six (36) month sentence with the State of Ohio on state case numbers 12CR-5649, 13CR-2030, 13CR-4125, 13CR-5690; for a total sentence of Eighty Six (86) months, less any additional jail time credit on this case after the date of imposition of judgment."

IT IS SO ORDERED:

  
JUDGE ALGENON L. MARBLEY